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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,559	09/06/2005	Hans-Jurgen Wendelken	331.1086	1190
23280 7590 01/08/2008 Davidson, Davidson & Kappel, LLC 485 17th Avenue 14th Floor New York, NY 10018			EXAMINER IZAGUIRRE, ISMAEL	
			ART UNIT 3765	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,559

Applicant(s)

WENDELKEN ET AL.

Examiner

Ismael Izaguirre

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 13-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/14/06; 2/1/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

CLAIMS

Summary

Claim 11 is the independent claim under consideration in this Office Action.

Claims 12-21 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12 and 17-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Colclough (1,664,916).

Colclough teaches an ironing board 1' which supports a padding 3' and a cover 4' thereon (figures 4 and 5). The ironing board includes an upper surface and a lower or underside surface (figure 5) where the upper surface supports the padding and cover and the underside surface includes a peripheral edge portion 5 standing out over the surface and configured to hold the padding in an unshiftable manner. The peripheral edge is tapered and includes means 8 for gripping the cover and thus holding the padding 3' in place within the edge of the ironing board.

Claims 11, 17 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bellamy (2,459,213).

Bellamy teaches a pressing machine including an ironing head 11 which supports a padding 12 and a cover 19 thereon. The ironing board includes a peripheral edge portion with a clamping means which is provided standing out over the surface and configured to contact and hold the padding in an unshiftable manner. The peripheral edge includes means 28 for gripping the cover and thus holding the padding in place within the edge of the ironing board.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fay (2,325,493).

Fay discloses the invention substantially as claimed. Fay teaches an ironing board including a frame with a peripheral edge portion which is provided standing out over a surface or shoulder 27 and configured to contact and hold a panel within the borders of the surface in an unshiftable manner. The cover is placed over the panel and ironing board frame and is secured from behind the ironing board. However, Fay

does not suggest the panel as including elastic yet hard foam padding for use with the cover in supporting and ironing an article.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the panel of Fay as including padding for supporting the article being ironed. The padding could be provided as being heat resistant and intrinsically hard foam and elastic such that it can have some give as the iron is passed over the article being ironed and yet supports the article and iron pressure. Providing such padding would reduce the bulk of the ironing board since padding would not need to be placed over the panel, but instead of the panel.

ALLOWABLE SUBJECT MATTER

Claims 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Strom et al., Rosenbloom, Daams, Simpson and McCrory illustrate ironing boards including peripheral edges with upstanding and outwardly directed portions.

INQUIRIES

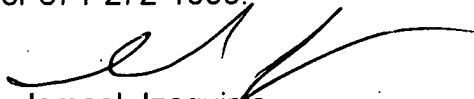
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ismael Izaguirre
Primary Examiner
Art Unit 3765

II
1/3/08